

SUBSTITUTE FOR
SENATE BILL NO. 533

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 21326 and 21327 (MCL 324.21326 and 324.21327).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21326. (1) Upon request of the department for the purpose
2 of ~~developing or assisting in the development of a rule, conducting~~
3 an investigation, taking corrective action, or enforcing this part,
4 the owner or operator shall furnish the department with all
5 **AVAILABLE** information about all of the following:

6 (a) The underground storage tank system and its associated
7 equipment.

8 (b) The past or present contents of the underground storage
9 tank system.

10 (c) Any releases and investigations of releases.

1 (2) The department has the right to enter at all reasonable
2 times in or upon any private or public property for any of the
3 following purposes:

4 (a) Inspecting an underground storage tank system.

5 (b) Obtaining samples of any substance from an underground
6 storage tank system.

7 (c) Requiring and supervising the conduct of monitoring or
8 testing of an underground storage tank system, its associated
9 equipment, or contents.

10 (d) Conducting monitoring or testing of an underground storage
11 tank system in cases where there is no identified responsible
12 party.

13 (e) Conducting monitoring or testing, or taking samples of
14 soils, air, surface water, or groundwater.

15 (f) Taking corrective action.

16 (g) Inspecting and copying any records related to an
17 underground storage tank system.

18 (3) All inspections and investigations undertaken by the
19 department under this section shall be commenced and completed with
20 reasonable promptness.

21 (4) The attorney general, on behalf of the department, may do
22 either of the following:

23 (a) Petition a court of appropriate jurisdiction for a warrant
24 to authorize access to any private or public property to implement
25 this part.

26 (b) Commence a civil action pursuant to section 21323 for an
27 order authorizing the department to enter any private or public

1 property as necessary to implement this part.

2 Sec. 21327. ~~The department may promulgate rules as necessary~~
3 ~~to implement this part.~~

4 (1) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 AMENDED THIS SECTION, THE DEPARTMENT SHALL NOT PROMULGATE RULES TO
6 IMPLEMENT THIS PART.

7 (2) A GUIDELINE, BULLETIN, INTERPRETIVE STATEMENT, OPERATIONAL
8 MEMORANDUM, OR FORM WITH INSTRUCTIONS PUBLISHED UNDER THIS PART
9 SHALL NOT BE GIVEN THE FORCE AND EFFECT OF LAW BY THE DEPARTMENT
10 AND IS CONSIDERED MERELY ADVISORY. THE DEPARTMENT SHALL NOT RELY
11 UPON A GUIDELINE, BULLETIN, INTERPRETIVE STATEMENT, OPERATIONAL
12 MEMORANDUM, OR FORM WITH INSTRUCTIONS TO SUPPORT THE DEPARTMENT'S
13 DECISION TO ACT OR REFUSE TO ACT. A COURT SHALL NOT RELY UPON A
14 GUIDELINE, BULLETIN, INTERPRETIVE STATEMENT, OPERATIONAL
15 MEMORANDUM, OR FORM WITH INSTRUCTIONS TO UPHOLD THE DEPARTMENT'S
16 DECISION TO ACT OR REFUSAL TO ACT.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 96th Legislature are
19 enacted into law:

- 20 (a) Senate Bill No. 528.
21 (b) Senate Bill No. 529.
22 (c) Senate Bill No. 530.
23 (d) Senate Bill No. 531.
24 (e) Senate Bill No. 532.